

Notice of Allowability

Application No.

09/663,969

Examiner

Haissa Philogene

Applicant(s)

DOWLING ET AL.

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 8/15/02.
2. ☒ The allowed claim(s) is/are 2-57 now numbered 1-56.
3. ☒ The drawings filed on 19 September 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>9</u> | 6 <input type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Haissa Philogene
Primary Examiner

[Signature] 28212.60

DETAILED ACTION

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: The prior art fails to disclose a multifunctional device and method thereof comprising a light element having a lighting function and at least one non-lighting function, and at least one processor for controlling the lighting element to provide the lighting function and the non-lighting function, said processor generating a PWM signal to control the lighting function (claims 2, 4, 5, 11, 13, 15-18); an apparatus and method thereof comprising at least one LED-based light source configured to generate radiation which includes at least visible light to provide illumination and a controller configured to control the at least one LED-based light so as to transmit data via the generated radiation without affecting an appearance of the illumination to an observer (claims 21, 38, 39, 56, 57), in order to integrate illumination with data manipulation and transmission functions for lighting and network devices. The remaining claims 3, 6-10, 12, 14, 19, 20, 22-37, 40-55 are allowed by virtue of their dependencies on the independent claims. Hence, the examiner has allowed claims 2-57.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sid, Patent No. 6,175,201; Lys et al, Patent No. 6,292,901; Lys et al, Patent No. 6,211,626 B1; ; Lys et al, Patent No. 6,166,496; Mueller et al., Patent No. 6,150,774; Recknagel et al., Patent No. 6,031,343; Taylor et al., Patent No. 5,769,527; Pfisterer, Patent No. 5,392,431; Taylor et al., Patent No. 5,209,560; Taylor et al., Patent No. 4,980,806; Michael et al., Patent No. 4,656,398; Bornhorst, Patent No. 4,392,187; "Website reference: Lamps & Gear Site, "Announcing A New Industry Standard For Addressable Lighting Control Systems, 3 pages"" .

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haissa Philogene whose telephone number is (703) 305-3485. The examiner can normally be reached on 6:30 A.M.-6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (703) 308-4856. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7722 for regular communications and after Final communications. The fax number for the examiner is (703) 746-4054.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

hp
September 9, 2002

Haissa Philogene
Primary Examiner
A.U. 2821
Haissa Philogene